

Medicare Prescription Drug, Improvement, and Modernization Act of 2003
**FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH
SERVICES FURNISHED TO UNDOCUMENTED ALIENS**
Section 1011

Background

- Section 1867 of the Social Security Act (known as EMTALA) requires a hospital that has an emergency department to provide appropriate medical screening to individuals who request examination or treatment to determine whether or not an emergency medical condition exists and, if it does, to stabilize the condition and/or provide an appropriate transfer. This must be done regardless of the individual's ability to pay for treatment.
- The Balanced Budget Act of 1997 provided \$25 million per year for FY 1998-2001, divided among the 12 states with the largest number of undocumented aliens to pay state and local government costs of this care.

New Provisions in the Act

- The new law provides \$250 million per year for FY 2005-2008 to pay for the costs of care for undocumented aliens. Two-thirds of the funds will be divided among all 50 states and the District of Columbia based on their relative percentages of undocumented aliens. One-third will be divided among the 6 states with the largest number of undocumented alien apprehensions.
- The Secretary must directly pay hospitals, doctors, and ambulance providers (including those operated by the Indian Health Service and Indian Tribes and Tribal organizations) for their otherwise uncompensated costs of providing emergency health care required under EMTALA and related hospital inpatient, outpatient, and ambulance services to undocumented aliens.
- Payments will be made quarterly and may be made based on advance estimates with retrospective adjustments. The Secretary must establish a process for eligible providers to request payments no later than September 1, 2004.